

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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JEFFREY PLACE,)
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Petitioner,)
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v.) **No. 4:15-cv-01147-JAR**
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CINDY GRIFFITH,)
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)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner Jeffrey Place's Motion for Evidentiary Hearing (Doc. 12). On July 24, 2015, Petitioner filed the current habeas petition pursuant to 28 U.S.C. § 2254 raising four grounds for relief (Doc. 1). The Government responded (Doc. 7) and Petitioner filed a Traverse (Doc. 11). Petitioner requests a hearing so that he may "fully articulate the Traverse submitted" (Doc. 12). Upon consideration, Petitioner's motion will be denied without prejudice.

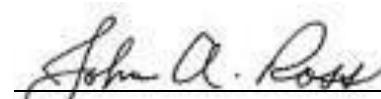
Under 28 U.S.C. § 2254(e)(2), a federal district court may not grant an evidentiary hearing unless "the applicant has failed to develop the factual basis of a claim in State court proceedings . . . [and] the claim relies on a factual predicate that could not have been previously discovered through the exercise of due diligence; and [] the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense." An evidentiary hearing is not necessary when the merits of petitioner's claims may be resolved based on the state court record. *McCann v. Armontrout*, 973 F.2d 655, 658-59 (8th Cir. 1992). At this

stage of the litigation, it appears that the filings of the Parties and the state court record contain sufficient facts to make an informed decision on the merits of petitioner's claims.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Evidentiary Hearing (Doc. 12) is **DENIED without prejudice.**

Dated this 1st day of February, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE